

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
CAROL D. FABER, individually and on behalf of  
all others similarly situated,

Plaintiff,

-against-

Civ. Act. No. 08-cv-10588 (HB)

METROPOLITAN LIFE INSURANCE  
COMPANY,

**NOTICE OF MOTION**

Defendant.

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**PLEASE TAKE NOTICE** that Plaintiff Carol D. Faber hereby respectfully moves pursuant to Rules 15, 20 and 21 of the Federal Rules of Civil Procedure for an order allowing her to amend the complaint and to add the Estate of Russell Young as a party plaintiff in this case. As set forth more fully in the memorandum of law filed in support of this motion, the motion for leave to amend should be granted because Fed. R. Civ. P. 15(a) authorizes parties to amend their pleadings once as a matter of right where, as here, no responsive pleading has been filed, and the motion to add should be granted because the party seeking to be added meets the requirements for permissive joinder under Fed. R. Civ. P. 20(a), the addition is timely and therefore will not prejudice Defendant, and the addition will promote judicial economy and provide additional representation to the class for whom this action is brought.

Dated: March 26, 2009

Respectfully submitted,

/s/ Leroy W. Brigham

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COUNSEL FOR PLAINTIFFS

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **NOTICE OF MOTION** was served via ECF on this the 26<sup>th</sup> day of March, 2009, upon the following:

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/s/ Leroy W. Brigham  
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